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**The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN**

28th March 2025

Dear Jeremy Richards,

RE: APP/X5210/X/24/3353527

Appeal against refusal of application 2024/2580/P

Certificate of Lawful Development (Proposed) for the amalgamation of two self-contained maisonettes into a single dwellinghouse at 50 South Hill Park, NW3 2SJ.

Below I have laid out my comments in response to points raised in the LPA Statement dated 22nd February 2025, received on 10th March. I have referenced the relevant numerical points and have addressed them in numerical order.

The property was converted into two maisonettes following approval in 1991 but the host property is not currently in use as flats (1.1). It was explained in the Design and Access Statement of the application and the Covering Letter included in this appeal that the host property is in use as one dwellinghouse and will continue to be used as such. It has been in use as one dwellinghouse for some time and the owners, who are also the sole occupiers, are required to go out on to the street and back in through separate doors to access other parts of the house. Council tax has continued to be paid for both no.s 50 and 50A (3.1) according to the property's last designation as two units in order to be compliant, rather than because it has been used as two separate flats.

Whilst I acknowledge and appreciate the importance of local policy, the Council states that it cannot be determinative (4.2). Having made the application under Section 192 of the Town and Country Planning Act 1990, there is nothing in the Act to suggest that the proposal was unlawful.

The Council states that the matter in dispute is whether the amalgamation of two maisonettes into one dwelling would have a material planning impact on housing provision (4.4). Whilst this has been addressed in both our statements, the matter in dispute - and indeed the reason for this appeal - is the fact that the stated reason for refusal on the Decision Notice was that the proposed amalgamation "constitutes development as defined by section 55 of the Town & Country Planning Act 1990" and whether this is the case. I have already presented my arguments as to why I believe the proposal does not constitute development and have included relevant and recent nearby precedents, some of which were suggested to me by a member of the Council. The focus of points 4.4 - 4.7 is the material planning impact of housing provision, but the Act under which the application was made refers instead to what constitutes a material change of use, which in Section 55 refers to the division of a single dwellinghouse into two or more, with no mention of amalgamation.

The Council makes reference to the Camden Local Plan 2017, which it states includes policies to "protect existing homes" (4.5). 50 South Hill Park is the existing home of the owners and sole occupiers, and the application sought to allow them to continue to use the property as a single dwellinghouse both in planning and practical terms, negating the need to exit the building in order to access all parts of it.

No exceptional circumstances were brought forward (**4.8, 4.15**) due to the application being made under Section 192 of the Town and Country Planning Act 1990. The application sought to confirm lawfulness rather than seek permission through a householder application, in which both local policy and individual circumstance are arguably factored in and considered more thoroughly.

The case for 114 Fitzjohn's Avenue (**4.9**) brings HC1 into evidence but is regarding a planning permission as opposed to an application for a Certificate of Lawful Development. The examples of 15 Cheyne Place, No. 6 & no. 9 Cheyne Gardens and 3 Egerton Gardens presented by the Council are examples of properties in the Royal Borough of Kensington and Chelsea as opposed to Camden. The Council has referred to local policy in its justification of the refusal of a Certificate of Lawful Development.

Finally, the Council states that housing pressures have become more severe since the appeal decisions it refers to were decided (2016-2020) (**4.15**). The examples of Certificates of Lawfulness that were mentioned in the Covering Letter submitted as part of this appeal were from 2020, 2021 and 2024, with one of those located within the Hampstead Conservation Area, which forms part of the area covered by the Hampstead Neighbourhood Plan.

Should clarification or further information on any of the comments be required, please do not hesitate to let me know.

Yours sincerely,



Chiara Amato
Architect